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|  |   |          |
|--|---|----------|
| In re Application of                     | : |          |
| Wanker et al.                            | : |          |
| Application No. 10/589,276               | : |          |
| PCT No.: PCT/EP05/01389                  | : |          |
| Int. Filing Date: 11 February 2005       | : |          |
| Priority Date: 11 February 2004          | : | DECISION |
| Atty. Docket No.: 009848-0356193         | : |          |
| For: Novel Pharmaceutical And Diagnostic | : |          |
| Compositions For Use In The Treatment    | : |          |
| And Diagnosis Of Neurodegenerative       | : |          |
| Diseases Or Amyloid Diseases             | : |          |

This is in response to the petition under 37 CFR 1.182 filed on 12 August 2008.

### DISCUSSION

In a Decision mailed on 12 May 2008, the declaration filed on 10 March 2008 was not accepted, without prejudice, because

In response, counsel has submitted "a newly executed Declaration for inventors Phoebe Markovic (formerly Harjes) and Dagmar Ehrnhöfer (formerly Litscher)." Counsel also states that "since a newly executed Declaration for inventors Markovic and Ehrnhöfer has been submitted by applicants to satisfy the missing requirements, that no petition fee is required."

Counsel's attention was respectfully directed to MPEP 605.04(b), and petitioner was advised to file the instant petition. The petition is accompanied by "Statements of Phoebe Markovic And Dagmar Ehrnhofer To Accompany Petition Under 37 C.F.R. §1.182" which attest to the inventors' respective name changes. In view of the totality of the evidence now of record, it would be appropriate to accept the inventors' names as they appear on the declaration filed on 10 March 2008.

It is noted that petitioner has paid \$130.00 toward the required \$400.00 petition fee. The \$270.00 balance is being charged to Deposit Account No. 03-3975, as authorized in the petition.

Upon further review of the application, it is noted that the decision mailed on 10 December 2007 referred to the alteration of the inventors' names in the declaration filed on 04 September 2007. Though petitioner has presented a later executed declaration by inventors Markovic and Ehrnhofer, the declaration of record signed by the remaining inventors continues to contain said un-initialed alterations. While the change in the inventors' names is being accepted, applicants are still required to provide an acceptable declaration (without un-initialed alterations) signed by the remaining inventors. In the absence of an acceptable declaration, it would not be appropriate to grant the petition at this time.

**DECISION**

The petition under 37 CFR 1.182 is **DISMISSED**, without prejudice.

The declaration is **NOT ACCEPTED**, without prejudice.

A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

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